

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

FREDERICK SPENCER, )  
                          )  
                          )  
Petitioner,            )  
                          )  
                          )  
v.                      )                           Case No. 4:11CV01306 AGF  
                          )  
                          )  
JAMES HURLEY,        )  
                          )  
                          )  
Respondent.            )

**MEMORANDUM AND ORDER**

This matter is before the Court on Petitioner's motion to alter or amend the judgment entered in this case on June 6, 2014, denying Petitioner's application for federal habeas relief. While Petitioner raises cogent arguments, the Court continues reluctantly to believe that habeas relief must be denied because the state court's decision was not contrary to, nor did it involve "an unreasonable application of, clearly established Federal law, as determined by the Supreme Court of the United States" as of the time of the state court decision, as required by 28 U.S.C. § 2254(d)(1) for federal habeas relief.

Accordingly,

**IT IS HEREBY ORDERED** that Petitioner's motion to alter or amend the judgment in this case is **DENIED**. (Doc. No. 42.)

*Audrey G. Fleissig*  
AUDREY G. FLEISSIG  
UNITED STATES DISTRICT JUDGE

Dated this 8<sup>th</sup> day of July, 2014.